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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,175	11/05/2003	Miguel Cancer Revelles	VIL201T3	7528
7590		06/14/2005	EXAMINER	
HORST KASPER		FEGGINS, KRISTAL J		
13 FOREST DRIVE		ART UNIT		
WARREN, NJ 07059		PAPER NUMBER		
		2861		

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,175

Applicant(s)

REVELLES, MIGUEL CANCER

Examiner

K. Feggins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petteruti et al. (US 6,428,227 B2) in view of Rother (US 6,778,201).

Petteruti et al. discloses the following claimed limitations:

* regarding claim 1, a thermal-transfer label printer with rewind control (Abst. Col 4, lines 49-51);

* a printing head, which may be stationary or movable along a guide (col 4, lines 49-60);

* a ribbon bearing a printing medium intended to be thermally transferred by the printing head onto the product to be labeled during the labeling operation (col 4, lines 28-60);

* a ribbon pay-out spool(ribbon cartridge/ribbon assembly, 22, col 4, lines 49-51);

* a ribbon take-up spool driven by a stepper motor (ribbon cartridge/ribbon assembly, 22, col 4, lines 49-51);

* a control device/microprocessor, 110/ that governs the printing head (fig 7);

* a means for controlling the advance of the ribbon from the pay-out spool to the take-up spool, where the ribbon follows a path that is parallel to the printing head during an intermediate stage of its path as a whole (col 1, lines 40-57 col 9, lines 1-14);

Petteruti et al. do not disclose the following claimed limitations:

* characterised in that the means for controlling the advance of the ribbon a device for detecting the spin of the pay-out spool and sending a signal to the control device that reports on the spinning of the pay-out spool when the stepper motor makes the take-up spool spin at a certain rate;

* said control device then computes the linear advance of the printing ribbon on the basis of the spinning of the stepper motor, the spinning of the ribbon pay-out spool, and the initial radius of the ribbon reel fitted in the pay-out spool.

Rother discloses the following claimed limitation:

* characterised in that the means for controlling the advance of the ribbon a device for detecting the spin of the pay-out spool and sending a signal to the control device that reports on the spinning of the pay-out spool when the stepper motor makes the take-up spool spin at a certain rate (col 4, lines 49-67, col 5, lines 1-49) for the purpose of providing the amount of ribbon initially available for printing;

* said control device then computes the linear advance of the printing ribbon on the basis of the spinning of the stepper motor, the spinning of the ribbon pay-out spool, and the initial radius of the ribbon reel fitted in the pay-out spool (col 4, lines 49-67, col 5, lines 1-49) for the purpose of providing how many print requests can be fulfilled with the available ribbon.

It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to utilize means for controlling the advance of the ribbon a device for detecting the spin of the pay-out spool and sending a signal to the control device that reports on the spinning of the pay-out spool when the stepper motor makes the take-up spool spin at a certain rate; and a control device then computes the linear advance of the printing ribbon on the basis of the spinning of the stepper motor, the spinning of the ribbon pay-out spool, and the initial radius of the ribbon reel fitted in the pay-out spool as taught by Rother into Petteruti et al. for the purposes of providing the amount of ribbon initially available for printing and providing how many print requests can be fulfilled with the available ribbon.

Allowable Subject Matter

3. Claim 2 is allowed.

The primary reason for allowance of claim 2 is the inclusion of a method steps of a label printer that includes the calculation by the control device of the maximum number of printing actions to be performed using space on the ribbon, on the basis of the length of said printing actions and of the space between the zones of the ribbon used for the earlier printing actions; the repetition of stages a) and b) to arrange, through successive travel runs by the printing head, the consecutive printing of several groups of labels by the thermal transfer of the printing medium existing in zones, leaving the largest possible number of used zones within space; and the advance, under the control of the control device of a length of ribbon that is slightly longer than the length occupied by the used zones of the ribbon, so that the label printer, in its various printing-

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head passes, can perform further printing actions by repeating previous stages. It these steps found in the claim, as they are claimed in the combination of that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bouverie et al. (US 2004/0114024 A1) discloses a modular printer having a take-up assembly. Henderson et al. (US 6,231,253 B1) disclose a label printer with a peel bar, a separator bar and anti-buckle means. Yamaguchi et al. (US 6,116,796) disclose a tape label printing device having distinction portion thereby increasing the printable regions on the ink ribbon. Ishii (US 5318369) disclose a processing system with a printer using exchangeable ink ribbon and detects the ink ribbon used up.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Communication With The USPTO

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 571-272-2254. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talbott Dave can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


K. FEGGINS
PRIMARY EXAMINER